

CLOSED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:11-cv-01835-BAH

SHAPIRO v. DEPARTMENT OF JUSTICE
Assigned to: Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 10/18/2011
Date Terminated: 06/19/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**RYAN NOAH SHAPIRO**

represented by **Jeffrey Louis Light**
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V.

Defendant**DEPARTMENT OF JUSTICE**

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Date Filed	#	Docket Text
10/18/2011	<u>1</u>	COMPLAINT against DEPARTMENT OF JUSTICE (Filing fee \$ 350, receipt number 4616043039) filed by RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Civil Cover Sheet)(rdj) Modified on 12/1/2011 to seal document per Minute Order entered 11/29/11 (td,). Modified on 12/1/2011 (ztd,). (Additional attachment(s) added on 12/1/2011: # <u>2</u> Redacted Complalint) (ztd,). (Attachment 2 replaced on 12/1/2011) (ztd,). (Entered: 10/19/2011)
10/18/2011		SUMMONS (2) Issued as to DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (rdj) (Entered: 10/19/2011)
10/21/2011	<u>2</u>	STANDING ORDER. Signed by Judge Beryl A. Howell on October 21, 2011. (lcbah1) (Entered: 10/21/2011)
10/27/2011	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/24/2011. Answer due for ALL FEDERAL DEFENDANTS by 11/23/2011. (Light, Jeffrey) (Entered: 10/27/2011)
10/27/2011	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF JUSTICE served on 10/24/2011, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General

		10/24/2011. (Light, Jeffrey) (Entered: 10/27/2011)
11/24/2011	<u>5</u>	AFFIDAVIT FOR DEFAULT by RYAN NOAH SHAPIRO (Attachments: # <u>1</u> Declaration Jeffrey L. Light, # <u>2</u> Text of Proposed Order)(Light, Jeffrey) Modified on 11/28/2011 to correct the event(rdj). (Entered: 11/24/2011)
11/24/2011	<u>6</u>	MOTION Redaction re <u>1</u> Complaint by RYAN NOAH SHAPIRO (Attachments: # <u>1</u> Exhibit Redacted Complaint)(Light, Jeffrey) (Entered: 11/24/2011)
11/28/2011	<u>7</u>	VACATED PURSUANT TO MINUTE ORDER FILED 12/20/2011.....Clerk's ENTRY OF DEFAULT as to DEPARTMENT OF JUSTICE (rdj) Modified on 12/21/2011 (rdj). (Entered: 11/28/2011)
11/28/2011	<u>8</u>	MOTION for Default Judgment as to by RYAN NOAH SHAPIRO (Attachments: # <u>1</u> (SEALED) Exhibit Feb. 10, 2011 FOIA request, # <u>2</u> (SEALED) Exhibit June 8, 2011 FOIA request, # <u>3</u> (SEALED) Exhibit March 9, 2011 FOIA Request, # <u>4</u> Exhibit Acknowledgment of March 9, 2011 FOIA Request, # <u>5</u> Exhibit Acknowledgment of June 8, 2011 FOIA request, # <u>6</u> Declaration Ryan Noah Shapiro, # <u>7</u> Text of Proposed Order)(Light, Jeffrey) Modified on 1/18/2012 to Seal pursuant to <u>16</u> Order(rdj). (Entered: 11/28/2011)
11/29/2011		MINUTE ORDER (paperless) granting <u>6</u> Plaintiff's Motion to Redact the Complaint. The Clerk is directed to seal <u>1</u> the plaintiff's Complaint. The Clerk is further directed to file on the docket the plaintiff's redacted Complaint, which is Exhibit A to the plaintiff's <u>6</u> Motion to Redact the Complaint. Signed by Judge Beryl A. Howell on November 29, 2011. (lcbah1) (Entered: 11/29/2011)
11/29/2011	<u>9</u>	COMPLAINT against DEPARTMENT OF JUSTICE filed by RYAN NOAH SHAPIRO. (dr) Modified on 1/18/2012 to Seal pursuant to <u>16</u> Order(zrdj). (Entered: 11/30/2011)
12/02/2011	<u>10</u>	MOTION to Vacate <u>7</u> Clerk's Entry of Default by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Exhibit A)(Adebonojo, Kenneth) (Entered: 12/02/2011)
12/02/2011	<u>11</u>	Memorandum in opposition to re <u>8</u> MOTION for Default Judgment as to filed by DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 12/02/2011)
12/11/2011	<u>12</u>	Memorandum in opposition to re <u>10</u> MOTION to Vacate <u>7</u> Clerk's Entry of Default filed by RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Text of Proposed Order)(Light, Jeffrey) (Entered: 12/11/2011)
12/15/2011	<u>13</u>	ENTERED IN ERROR. . . .MOTION for Extension of Time to <i>File an Answer or Other Response to Plaintiff's Complaint</i> by DEPARTMENT OF JUSTICE (Adebonojo, Kenneth) Modified on 12/15/2011 (td,). (Entered: 12/15/2011)
12/15/2011		NOTICE OF CORRECTED DOCKET ENTRY: re <u>13</u> MOTION for Extension of Time to <i>File an Answer or Other Response to Plaintiff's Complaint</i> was entered in error and counsel was notified to refile said pleading in the correct case. (td,) (Entered: 12/15/2011)
12/19/2011	<u>14</u>	REPLY to opposition to motion re <u>10</u> MOTION to Vacate <u>7</u> Clerk's Entry of Default filed by DEPARTMENT OF JUSTICE. (Adebonojo, Kenneth) (Entered: 12/19/2011)
12/20/2011		MINUTE ORDER (paperless) granting <u>10</u> Defendant's Motion to Vacate Entry of Default. Pursuant to Federal Rule of Civil Procedure 55(c), the Court may set aside an entry of default "for good cause shown." To demonstrate good cause, "the moving party must provide an explanation for the default or give reasons why vacation of the default entry would serve the interests of justice." <i>Haskins v. U.S. One Transp., LLC</i> , 755 F. Supp. 2d 126, 129 (D.D.C. 2010) (internal citation and quotation omitted). The decision to vacate entry of default lies within the discretion of the trial court, but exercising this discretion requires consideration of whether "(1) the default was willful, (2) a set-aside would prejudice plaintiff, and (3) the alleged defense was meritorious." <i>Mohamad v. Rajoub</i> , 634 F.3d 604, 606 (D.C. Cir. 2011) (quoting <i>Keegel v. Key West & Caribbean Trading Co.</i> , 627 F.2d 372, 373 (D.C. Cir. 1980)). "On a motion for relief from the entry of a default or a default judgment, all doubts are resolved in favor of the party seeking relief." <i>Jackson</i> , 636 F.2d at 836. The defendant asserts that its default was not willful

		because it "never received a copy of the summons and complaint" and there was "no deliberate decision to default." Regardless of whether service was properly effectuated, the defendant moved to vacate entry of default five days after it was entered by the Clerk, and ten days after the defendant's response to the plaintiff's complaint was due. The plaintiff has therefore incurred minimal prejudice due to the defendant's failure to respond in a timely manner. Further, default is particularly ill-served in this FOIA case, where automatic judgment in favor of the plaintiff could result in the disclosure of potentially classified information. See Keegel, 627 F.2d at 375 ("[T]he interests of justice... would be ill-served by resort to a procedural device that would unfairly or unnecessarily foreclose resolution of the dispute on its merits."); Jackson v. Beech, 636 F.2d 831, 835-36 (D.C. Cir. 1980) ("Default judgments are not favored by modern courts, perhaps because it seems inherently unfair to use the court's power to enter and enforce judgments as a penalty for delays in filing... [and] strong policies favor resolution of disputes on their merits."). Accordingly, the defendant's <u>10</u> Motion to Vacate Entry of Default is granted, and the plaintiff's <u>8</u> Motion for Default Judgment is denied. The defendant's request for an extension of time to file a response to the plaintiff's Complaint is granted. The defendant shall file a response to the plaintiff's Complaint by January 20, 2012. Signed by Judge Beryl A. Howell on December 20, 2011. (lcbah1) (Entered: 12/20/2011)
12/20/2011		Set/Reset Deadlines: Answer due by 1/20/2012. (alp) (Entered: 12/21/2011)
01/13/2012	<u>15</u>	Second MOTION to Redact re <u>9</u> Complaint, <u>8</u> MOTION for Default Judgment as to by RYAN NOAH SHAPIRO (Attachments: # <u>1</u> Exhibit Redacted Complaint, # <u>2</u> Exhibit Redacted Feb. 10, 2011 FOIA Request, # <u>3</u> Exhibit Redacted June 8, 2011 FOIA Request, # <u>4</u> Exhibit Redacted March 9, 2011 FOIA Request, # <u>5</u> Text of Proposed Order)(Light, Jeffrey) (Entered: 01/13/2012)
01/18/2012	<u>16</u>	ORDER granting <u>15</u> Second Motion to Redact. Please see Order for specific documents that will be redacted. Signed by Judge Beryl A. Howell on 1/17/12. (alp) (Entered: 01/18/2012)
01/18/2012	<u>17</u>	COMPLAINT against DEPARTMENT OF JUSTICE filed by RYAN NOAH SHAPIRO.(rdj) (Entered: 01/18/2012)
01/18/2012	<u>18</u>	REDACTED Exhibits re <u>8</u> MOTION for Default Judgment by RYAN NOAH SHAPIRO Feb. 10, 2011 FOIA Request (Attachments: # <u>1</u> March 9, 2011 FOIA Request, # <u>2</u> June 8, 2011 FOIA Request) (rdj) (Entered: 01/18/2012)
01/18/2012	<u>19</u>	First MOTION for Extension of Time to <i>File an Answer or Other Response to Plaintiff's Complaint</i> by DEPARTMENT OF JUSTICE (Adebonojo, Kenneth) (Entered: 01/18/2012)
01/19/2012	<u>20</u>	Memorandum in opposition to re <u>19</u> First MOTION for Extension of Time to <i>File an Answer or Other Response to Plaintiff's Complaint</i> filed by RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Text of Proposed Order)(Light, Jeffrey) (Entered: 01/19/2012)
01/25/2012		MINUTE ORDER (paperless) Pending before the Court is the defendant's <u>19</u> Motion to Enlarge Time to File an Answer or Response to the Complaint, to which the plaintiff has interposed an objection. This is the second extension of time requested due to the defendant's previous failure to file a timely Answer, resulting in the Court's prior resolution of the plaintiff's motion for default judgment. In the defendant's Reply in support of its second motion for an extension of time, the defendant shall detail: (1) whether defense counsel's two-week absence occasioning the instant delay was unforeseeable; (2) the availability of other government attorneys to handle this matter; (3) whether defense counsel's immediate supervisor approved his leave in light of counsel's obligation to meet the Court's scheduled deadlines; (4) why the defendant waited until the day before its response to the plaintiff's Complaint was due to request an extension of time, which is not in compliance with paragraph 7 of the Court's Standing Order; and (5) the basis for the statement that the plaintiff "has filed quite a few FOIA requests and actions" in light of the plaintiff's assertion that he "has not filed any other FOIA lawsuits." Signed by Judge Beryl A. Howell on January 25, 2012. (lcbah1) (Entered: 01/25/2012)

01/27/2012	<u>21</u>	REPLY to opposition to motion re <u>19</u> First MOTION for Extension of Time to <i>File an Answer or Other Response to Plaintiff's Complaint</i> filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A)(Adebonojo, Kenneth) (Entered: 01/27/2012)
01/30/2012		MINUTE ORDER (paperless) granting defendant's <u>19</u> Motion to Enlarge Time to File Answer as modified in the defendant's January 27, 2012 Reply Brief. The defendant filed its Answer to the plaintiff's Complaint as Exhibit A to the defendant's <u>21</u> Reply brief in support of its Motion to Enlarge Time. The Clerk is directed to docket Exhibit A to the defendant's Reply brief as the defendant's Answer in this case. Signed by Judge Beryl A. Howell on January 30, 2012. (lcbah1) (Entered: 01/30/2012)
01/30/2012	<u>23</u>	ANSWER to <u>17</u> Complaint, <u>9</u> Complaint, <u>1</u> Complaint by DEPARTMENT OF JUSTICE.(rdj) (Entered: 02/06/2012)
02/04/2012	<u>22</u>	MEET AND CONFER STATEMENT. (Attachments: # <u>1</u> Exhibit A)(Light, Jeffrey) (Entered: 02/04/2012)
02/07/2012		MINUTE ORDER (paperless) Consistent with the Court's Standing Order and Federal Rule of Civil Procedure 1, which directs the Court to seek "just, speedy, and inexpensive" resolution of disputes, and upon consideration of the <u>22</u> Meet and Confer Statement submitted by the plaintiff, the parties are directed to comply with the following SCHEDULING ORDER: The defendant shall provide the requested records and a Vaughn Index describing redactions by February 20, 2012. Dispositive motions, if any, shall be filed by March 12, 2012. Oppositions to dispositive motions shall be filed by April 2, 2012. Replies shall be filed by April 9, 2012. Signed by Judge Beryl A. Howell on February 7, 2012. (lcbah1) (Entered: 02/07/2012)
02/07/2012		Set/Reset Deadlines: Dispositive Motions due by 3/12/2012. Response to Dispositive Motions due by 4/2/2012. Reply to Dispositive Motions due by 4/9/2012. Requested records and Vaughn Index describing redactions due by 2/20/2012. (alp) (Entered: 02/07/2012)
02/15/2012	<u>24</u>	MOTION to Modify <i>Briefing Schedule</i> by DEPARTMENT OF JUSTICE (Adebonojo, Kenneth) (Entered: 02/15/2012)
02/21/2012		MINUTE ORDER (paperless) granting <u>24</u> Consent Motion to Modify Briefing Schedule. The defendant shall process and disclose records responsive to the plaintiff's FOIA request by May 15, 2012. The defendant shall file a dispositive motion along with a Vaughn index by June 15, 2012. The plaintiff shall file an Opposition to the defendant's motion, and/or his own dispositive motion by July 16, 2012. The defendant shall file its Reply in support of its motion, and/or an Opposition to the plaintiff's motion by August 16, 2012. The plaintiff shall file a Reply by September 14, 2012. Signed by Judge Beryl A. Howell on February 21, 2012. (lcbah1) (Entered: 02/21/2012)
02/21/2012		Set/Reset Deadlines: Cross Motions due by 7/16/2012. Response to Cross Motions due by 8/16/2012. Reply to Cross Motions due by 9/14/2012. Dispositive Motions due by 6/15/2012. Response to Dispositive Motions due by 7/16/2012. Reply to Dispositive Motions due by 8/16/2012. Disclose Records in Response to Plaintiff's FOIA Request due by 5/15/2012. (alp) (Entered: 02/21/2012)
05/15/2012	<u>25</u>	MOTION for Extension of Time to <i>Produce Records or to File a Motion to Stay</i> by DEPARTMENT OF JUSTICE (Adebonojo, Kenneth). Added MOTION to Stay on 5/16/2012 (rdj). (Counsel is instructed to docket all parts of the motion in the future). (Entered: 05/15/2012)
05/17/2012	<u>26</u>	Memorandum in opposition to re <u>25</u> MOTION for Extension of Time to <i>Produce Records or to File a Motion to Stay</i> MOTION to Stay filed by RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Text of Proposed Order)(Light, Jeffrey) (Entered: 05/17/2012)
05/23/2012	<u>27</u>	REPLY to opposition to motion re <u>25</u> MOTION for Extension of Time to <i>Produce Records or to File a Motion to Stay</i> MOTION to Stay filed by DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A)(Adebonojo, Kenneth) (Entered: 05/23/2012)

06/19/2012		MINUTE ORDER (paperless) In light of the plaintiff's filing of an Amended Complaint in Shapiro v. Department of Justice, Case No. 12-313, which consolidates and re-states the claims asserted in this case, the Clerk is directed to close this case. Signed by Judge Beryl A. Howell on June 19, 2012. (lcbah1) (Entered: 06/19/2012)
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